

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -VS- STEVEN DEMOCKER, Defendant.	Case No. P1300CR201001325 UNDER ADVISEMENT RULING	FILED ✓ DATE: <u>1-19-2012</u> <u>1</u> O'Clock <u>8</u> .M. SANDRA K. MARKHAM, CLERK BY: <u>B. Chamberlain</u> Deputy
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HONORABLE GARY E. DONAHOE

BY: Cheryl Wagster
Judicial Assistant

DIVISION VISITING JUDGE

DATE: January 19, 2012

There being no objection,

IT IS HEREBY ORDERED granting the State's Request for Physical Evidence with the handwriting specimens to be taken at a time mutually agreed to by counsel.

Regarding the State's Motion Pursuant to Rule 15.3 for Deposition of Witness James DeMocker, the Court is of the opinion that this Court does not have personal jurisdiction over Mr. James DeMocker needed to enforce any subpoena properly served on him in Virginia. The Court is of the opinion that the State needs to follow the procedure for having the subpoena issued by a court in Virginia which, if Mr. James DeMocker fails to obey the subpoena, can hold any needed hearing to enforce or quash the subpoena. Should the State wish to call Mr. James DeMocker as a witness at trial, the State should follow the procedure set forth in the Uniform Act to Secure the Attendance of Witness from without a State in Criminal Proceedings, A.R.S. §§ 13-4091 through 13-4096. Therefore,

IT IS FURTHER ORDERED denying the State's Motion Pursuant to Rule 15.3 for Deposition of Witness James DeMocker without prejudice to the State's right to proceed to secure a subpoena through the Virginia court.

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